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Paper 87
Filed:
18 September 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MICHAEL ADANG,
JOHN D. KEMP, and EBRAHIM FIROOZABADY

Junior Party,
(Application 08/461,240),

v.

PAUL F. UMBECK,

Senior Party,
(Patents 5,004,863 and 5,159,135).

Patent Interference 105,367

Before Schafer; Delmendo, and Lane, Administrative Patent Judges.

Lane, Administrative Patent Judge.

Judgment-Motions—Bd.R. 127

The claims of Adang's involved application have been held to be unpatentable on the basis that they do not comply with the written description requirement of 35 U.S.C.

§ 112, ¶1. Accordingly, Adang lacks standing to continue in this interference. (See Paper 86). Judgment is entered against Adang.

Upon consideration of the record and for reasons given, it is

ORDERED that judgment is entered against junior party MICHAEL ADANG, JOHN D. KEMP, and EBRAHIM FIROOZABADY;

FURTHER ORDERED that junior party MICHAEL ADANG, JOHN D. KEMP, and EBRAHIM FIROOZABADY is not entitled to a patent containing claims 52, 53, 56-58, and 61-63 of application 08/461,240, which claims correspond to Count 1, the sole count of the interference (Paper 1 at 6);

FURTHER ORDERED that, if there is a settlement agreement, the parties are directed to 35 USC 135(c) and Bd. R. 205; and

FURTHER ORDERED that a copy of this judgment shall be entered into the administrative record of Adang's 08/461,240 application and Umbeck's 5,004,863 and 5,159,135 patents.

<u>/Richard E. Schafer/</u>)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	
)	
<u>/Romulo H. Delmendo/</u>)	BOARD OF PATENT
ROMULO H. DELMENDO)	
Administrative Patent Judge)	APPEALS AND
)	
<u>/Sally G. Lane/</u>)	INTERFERENCES
SALLY G. LANE)	
Administrative Patent Judge)	

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Subject: Interference #105367_086 (RHD) - Decision on Motion-Bd.R. 125; #105367_087 (SGL) -
Judgment-Motions-Bd.R. 127
Attachments: 105367_086.pdf; jd105367_087.pdf

Decision on Motion (Umbeck Motion 2) - Bd.R. 125

Judgment - Motions - Bd.R. 127

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9/18/06